

KARLA E. PAINTER
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 8329
Missoula, MT 59807
105 E. Pine, 2d Floor
Missoula, MT 59802
Phone: (406) 542-8851
FAX: (406) 542-1476
E-mail: Karla.Painter@usdoj.gov

FILED

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Clerk, U S District Court
District Of Montana
Missoula

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL THOMAS KULLBERG,
and JENNIFER DON SMITH,

Defendants.

CR 22- 9 -M- Dwm

INDICTMENT

THEFT OF MAIL (Counts I-VI)
Title 18 U.S.C. § 1708
(Penalty: Five years imprisonment,
\$250,000 fine, and three years supervised
release)

CONSPIRACY TO COMMIT WIRE
FRAUD (Count VII)
Title 18 U.S.C. § 1349
(Penalty: 20 years imprisonment,
\$250,000 fine, and three years supervised
release).

WIRE FRAUD (Counts VIII-XVIII)
Title 18 U.S.C. §§ 1343, 2
(Penalty: 20 years imprisonment,
\$250,000 fine, and three years supervised
release)

	AGGRAVATED IDENTITY THEFT (Counts XIX-XXIX) Title 18 U.S.C. §§ 1028A(a)(1), 2 (Penalty: Mandatory minimum two years imprisonment, consecutive to any other punishment, \$250,000 fine, and one year supervised release)
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THE GRAND JURY CHARGES:**COUNTS I-VI
THEFT OF MAIL**

Beginning on or about March 22, 2020, and continuing until on or about April 6, 2020, at Eureka and Libby, within Lincoln County, at Kalispell, within Flathead County, and elsewhere in the State and District of Montana, the defendant MICHAEL THOMAS KULLBERG, did steal and take from an authorized depository for mail matter at the locations listed below, packages and mail addressed to the individuals listed below (true names withheld to protect privacy), in violation of 18 U.S.C. § 1708.

Count	Date	Location	Type of mail	Addressee
I	3/22/2020	Glen Lake Road, Eureka, MT	Letter	John Doe #1
II	3/22/2020	Glen Park Road, Eureka, MT	Letter	Jane Doe #1/ John Doe #2
III	3/22/2020	Sophie Lake Road, Eureka, MT	Package	Jane Doe #2
IV	3/22/2020	Pinkham Creek Road, Rexford, MT	Package	John Doe #3
V	4/4/2020	Farm to Market Road, Libby, MT	Letter	John Doe #4

Count	Date	Location	Type of mail	Addressee
VI	4/4/2020	Farm to Market Road, Libby, MT	Package	Jane Doe #3

**COUNT VII
CONSPIRACY TO COMMIT WIRE FRAUD**

Beginning on or about March 22, 2020, and continuing to on or about April 6, 2020, at Eureka, within Lincoln County, at Kalispell, within Flathead County, and elsewhere, in the State and District of Montana, the defendants, MICHAEL THOMAS KULLBERG and JENNIFER DON SMITH, knowingly and unlawfully conspired with each other and with other persons, known and unknown to the Grand Jury, to commit, in violation of 18 U.S.C. § 1343, the offense of wire fraud, in violation of 18 U.S.C. § 1349.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the object of the conspiracy was to be accomplished included the following:

1. It was part of the conspiracy that the defendants would steal mail and other personal property from several victims in Lincoln County, Flathead County, and elsewhere.
2. It was further part of the conspiracy that the defendants would take credit cards belonging to and intended for those victims from that mail.

3. It was further part of the conspiracy that the defendants would use the stolen credit cards to make purchases at various businesses.

**COUNTS VIII-XVIII
WIRE FRAUD
THE SCHEME TO DEFRAUD**

Beginning on or about March 22, 2020, and continuing to on or about April 6, 2020, at Eureka, within Lincoln County, at Kalispell, within Flathead County, and elsewhere, in the State and District of Montana, the defendants, MICHAEL THOMAS KULLBERG and JENNIFER DON SMITH, as noted in the table below, executed a material scheme and artifice to defraud, and for obtaining items of value by means of material false and fraudulent pretenses and representations, in that they purchased the items using stolen credit card accounts, and in doing so caused wire communications to be transmitted in interstate commerce.

INTERSTATE WIRES

On or about the dates in the table below, at the locations listed below, in the State and District of Montana, the defendants, MICHAEL THOMAS KULLBERG and JENNIFER DON SMITH, as noted in the table below, for the purpose of executing the aforementioned material scheme and artifice to defraud, and for obtaining items of value by means of material false and fraudulent pretenses and representations, did knowingly cause to be transmitted in interstate commerce wire

communications between financial institutions in Montana and institutions in other states, which represented the use of stolen credit card accounts, in the amounts listed in the table below, in violation of 18 U.S.C. §§ 1343, 2.

Count	Date	Location	Defendant	Amount
VIII	3/22/2020	Exxon Mobile, Eureka, MT	Michael Thomas Kullberg	\$151.10
IX	3/22/2020	Exxon Mobile, Eureka, MT	Michael Thomas Kullberg	\$37.30
X	3/28/2020	Target, Kalispell, MT	Michael Thomas Kullberg	\$191.72
XI	3/28/2020	The Home Depot, Kalispell, MT	Michael Thomas Kullberg	\$104.99
XII	3/28/2020	Lowes, Kalispell, MT	Michael Thomas Kullberg	\$240.82
XIII	3/28/2020	Walmart, Kalispell, MT	Michael Thomas Kullberg	\$351.49
XIV	3/28/2020	Harbor Freight, Kalispell, MT	Michael Thomas Kullberg	\$123.58
XV	4/4/2020	Albertsons, Kalispell, MT	Michael Thomas Kullberg	\$219.93
XVI	4/5/2020	The Home Depot, Kalispell, MT	Michael Thomas Kullberg	\$125.87
XVII	4/5/2020	Target, Kalispell, MT	Michael Thomas Kullberg	\$242.98
XVIII	4/5/2020	Conoco Town Pump, Kalispell MT	Jennifer Don Smith	\$33.21

**COUNT XIX-XXVIII
AGGRAVATED IDENTITY THEFT**

On or about the dates listed in the table below, at the locations listed below, in the State and District of Montana, the defendant, MICHAEL THOMAS KULLBERG, knowingly used, without lawful authority, a means of identifications of another person, a credit card number, during and in relation to a felony violation of wire fraud, as charged in the count listed below, and did aid and abet the same, in violation of 18 U.S.C. §§ 1028A(a)(1) and 2.

Count	Date	Location	Account Owner	Underlying Count	Amount
XIX	3/22/2020	Exxon Mobile, Eureka, MT	John Doe #1	VIII	\$151.10
XX	3/22/2020	Exxon Mobile, Eureka, MT	John Doe #1	IX	\$37.30
XXI	3/28/2020	Target, Kalispell, MT	Jane Doe #1/ John Doe #2	X	\$191.72
XXII	3/28/2020	The Home Depot, Kalispell, MT	Jane Doe #1/ John Doe #2	XI	\$104.99
XXIII	3/28/2020	Lowes, Kalispell, MT	Jane Doe #1/ John Doe #2	XII	\$240.82
XIV	3/28/2020	Walmart, Kalispell, MT	Jane Doe #1/ John Doe #2	XIII	\$351.49
XV	3/28/2020	Harbor Freight, Kalispell, MT	Jane Doe #1/ John Doe #2	XIV	\$123.58
XVI	4/4/2020	Albertsons, Kalispell, MT	John Doe #1	XV	\$219.93
XVII	4/5/2020	The Home Depot, Kalispell, MT	John Doe #1	XVI	\$125.87
XVIII	4/5/2020	Target, Kalispell, MT	John Doe #1	XVII	\$242.98

COUNT XXIX
AGGRAVATED IDENTITY THEFT

On or about April 5, 2020, at Kalispell, within Flathead County, in the State and District of Montana, the defendant, JENNIFER DON SMITH, did knowingly use, without lawful authority, a means of identification of another person, during and in relation to a felony violation of 18 U.S.C § 1343, wire fraud, as charged in Count XVIII above, and did aid and abet the same, in violation of 18 U.S.C. §§ 1028A(a)(1) and 2.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON

Timothy J. Burns
For LEIF M. JOHNSON
United States Attorney

Joseph E. Thaggard
For JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney